

FEB 19 2009

OA 91 Criminal Complaint

## United States District Court

NORTHERN

DISTRICT OF

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CALIFORNIA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

RS

JOSEPH BUDDENBERG;  
MARYAM KHAJAVI;  
NATHAN POPE, A/K/A NATHAN KNOERL;  
ADRIANA STUMPO

Case Number: 5 09 70175

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about October 2007 to July 2008 in Alameda, Contra Costa, Santa Cruz County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

use or cause to be used a facility of interstate commerce for the purpose of damaging or interfering with the operations of an animal enterprise, and in connection with such purpose, intentionally placed a person in reasonable fear of death or serious bodily injury to that person or an immediate family member, or conspired or attempted to do so, by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation,

in violation of Title 18 United States Code, Section(s) 43

Maximum penalties: 5 years imprisonment, \$250,000 fine, and 3 years supervised release.

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To Elise BeckerForm: AUSA

Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

2/19/09

Date

at

San Francisco, CA

City and State

NANOOK J. VANDAS

Name &amp; Title of Judicial Officer

US Magistrate Judge

Signature of Judicial Officer

- a. Criminal complaint charging BUDDENBERG, KHAJAVI, POPE, and STUMPO with violations of 18 U.S.C. § 43;

- b. an arrest warrant for BUDDENBERG;
- c. an arrest warrant for KHAJAVI;
- d. an arrest warrant for POPE;
- e. an arrest warrant for STUMPO.

#### **Relevant Statute**

4. Title 18, United States Code, Section 43 states in sum, that whoever uses or causes to be used any facility of interstate commerce for the purpose of damaging or interfering with the operations of an animal enterprise, and in connection with such purpose, intentionally places a person in reasonable fear of death or serious bodily injury to that person or an immediate family member, or conspires or attempts to do so, by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation, shall be imprisoned for not more than five years. If the acts did not instill in another the reasonable fear of serious bodily injury or death, the offense is punishable by a term of imprisonment not more than one year.

5. I know from my investigation, including speaking with researchers employed by the University of California at Berkeley and Santa Cruz, that the University of California is an animal enterprise as that term is defined in 18 U.S.C. § 43 in that it uses animals in bio-medical research conducted at its Berkeley and Santa Cruz campuses within the Northern District of California.

#### **Facts and Evidence Concerning Threats against University of California Researchers**

6. On Sunday, October 21, 2007, a group of approximately twenty people, some wearing bandanas covering the lower portion of their faces, drove to University of California at Berkeley Professor Number One's residence in El Cerrito. Professor Number One conducts bio-medical research involving the use of animals. The group of protesters trespassed onto Professor Number One's front yard and rang his doorbell several times. The group was making a lot of noise, chanting animal rights slogans ("1, 2, 3, 4, open up the cage door; 5, 6, 7, 8, smash the locks and liberate; 9, 10, 11, 12, vivisectors go to hell"; and, "you're a fucking murder", "fuck you", "you're a murder"), using a bullhorn. Professor Number One told the protesters that he was going to call the police and the group was subsequently detained by officers on site. Professor Number One told police that he was very fearful, and felt very harassed and intimidated by the demonstrators' activities that day.

7. BUDDENBERG, POPE, and STUMPO were issued summonses as a result of this incident. They all signed their summons, and I also identified them in a video tape of part of the incident.

8. On Sunday, January 27, 2008, a group of approximately eleven individuals demonstrated at various locations over the course of approximately 7 hours. The individuals drove in two cars, one of which was registered to KHAJAVI's mother. The

demonstrations took place at the residence of University of California at Berkeley Professor Number Two's home in El Cerrito; at the residences of UC Berkeley Professors Number Three, Four, Five, and Six in Berkeley; and at UC Berkeley Professor Number Seven's home in Oakland. Not all professors were at home at the time. At each residence, the individuals, dressed generally in all black clothing and wearing bandanas over their nose and mouth, marched, chanted, and chalked defamatory comments on the public sidewalks in front of the residences. The individuals chanted slogans such as "nine ten eleven twelve vivisectors go to hell", "murderer leave town, terrorist leave town, animal abuser leave town", "what goes down comes around burn UC Berkeley vivisection to the ground", and "we will never back down until you stop your killing". UC Berkeley Professors Two, Three, Four, Five, Six, and Seven all conduct bio-medical research involving the use of animals.

9. UC Berkeley Professor Number Four stated that individuals had been harassing him on numerous occasions and had caused him great fear for his health and personal safety.

10. University of California Police Department Officers recognized BUDDENBERG, KHAJAVI, POPE, and STUMPO as participants in the demonstrations that day. I confirmed this by watching videotapes of the demonstrations that day.

11. At approximately 12:37 p.m. on February 24, 2008, five to six individuals approached the Santa Cruz home of University of California at Santa Cruz (UCSC) Professor Number Eight. Professor Number Eight conducts bio-medical research involving the use of animals. Professor Number Eight's husband reported to the Santa Cruz police that he heard loud banging on the glass pane of the door. He also heard and saw the door handle being twisted back and forth, and the door being pushed back and forth. He opened the door and yelled and then struggled with one individual and was hit with a dark, firm object. The individual with the bullhorn then directed everybody to leave. He followed the individuals as they entered a vehicle and fled. During the incident, one of the individuals yelled "we're gonna get you." All of the individuals were wearing bandanas over their faces, except for the individual using the bull horn. Professor Number Eight and her husband both reported to the FBI that they were terrified by this incident.

12. Based on the husband's description and the license plate number of the vehicle in which the individuals fled, the police traced the car to KHAJAVI, who resided at 724 Riverside Avenue in Santa Cruz. The police went to 724 Riverside and attempted to speak with the occupants. The occupants refused to cooperate and the police obtained a search warrant for the residence. The search was executed at approximately 9:50 p.m., nine hours after the incident at Professor Number Eight's house. There were five individuals in the home at the time of the search, including KHAJAVI, POPE, and STUMPO. At approximately 11:30 p.m., the police found, impounded, and later searched KHAJAVI's vehicle pursuant to a second warrant. The police recovered several bandanas and a bull horn from the car.

13. Based on DNA comparisons, laboratory analysis confirmed that KHAJAVI's DNA was on at least one bandana, and that a combination of POPE's and STUMPO's DNA was on another recovered bandana. In addition, an envelope and piece of note paper listing Professor Number Eight, UCSC Professor Number Nine and other UCSC bio-medical researchers' personal information was found during the search of the residence that day.

14. On July 29, 2008, a stack of flyers (approximately thirty) titled "Murderers and torturers alive & well in Santa Cruz July 2008 edition" was found at the Café Pergolesi in Santa Cruz, CA. Video surveillance from the café approximately 2 hours before the flyers were discovered shows approximately four individuals entering the café, congregating near the table on which the flyers were seen, and leaving approximately 3 minutes later. The flyer also says "animal abusers everywhere beware we know where you live we know where you work we will never back down until you end your abuse." The flyer identifies Professor Number Eight and Professor Number Nine as bio-medical researchers, and lists their home address and phone number. The flyer also identifies eleven other individuals involved in bio-medical research at UCSC. Professor Number Eight learned about the flyer on or about July 31, 2008. The flyer caused her to fear that she would be attacked again. BUDDENBERG and POPE were identified from the café's surveillance video as being two of the four individuals seen entering the café.

15. Internet logs for UCSC showed that information relating to eleven of the bio-medical researchers at UCSC identified on the flyer was downloaded/accessed over the Internet on July 27, 2008 by an IP address traced back to a Kinko's located in Santa Cruz. Video surveillance from that Kinko's shows that POPE and STUMPO entered the store at approximately 3:10 p.m. on July 27, 2008, accessed a pay-for-use Internet terminal, and left about 50 minutes later. Internet logs for the Kinko's terminal used by these three individuals verified that searches relating to the eleven bio-medical researchers were conducted at the time and place identified by the UCSC logs and the Kinko's video surveillance.

#### **Identification of BUDDENBERG, KHAJAVI, POPE, STUMPO**

16. As mentioned above, on October 21, 2007 the El Cerrito Police Department and University of California Berkeley Police Department detained, identified, and issued summonses to BUDDENBERG, POPE, and STUMPO.

17. Also as mentioned above, on January 27, 2008 the University of California Police Department Officers recognized BUDDENBERG, KHAJAVI, POPE, and STUMPO as participants in the protests that day.

18. On February 24, 2008, the vehicle seen fleeing the residence of Professor Number Eight was identified as belonging to KHAJAVI. The Santa Cruz Police Department served a search warrant on KHAJAVI's residence later that same day. KHAJAVI, POPE, and STUMPO were home at the time of the search. The Santa Cruz Police had maintained a perimeter on the residence since approximately two hours after

the attack at Professor Number Eight's house. Laboratory analysis confirmed that KHAJAVI's DNA was on at least one bandana, and that a combination of POPE's and STUMPO's DNA was on another recovered bandana.

19. On July 27, 2008 video surveillance and Internet logs from Kinko's in Santa Cruz showed POPE and STUMPO using a public internet terminal to download and access the personal information for researchers at the University of California Santa Cruz listed on the flyer titled, "Murderers and torturers alive & well in Santa Cruz July 2008 edition", found on July 29, 2008 at the Café Pergolesi.

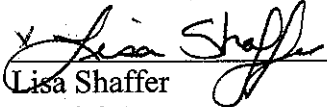
20. On July 29, 2008 video surveillance from the Café Pergolesi showed BUDDENBERG and POPE entering the café, congregating near the table on which the flyers were seen, and leaving approximately 3 minutes later.

### ***Conclusion***

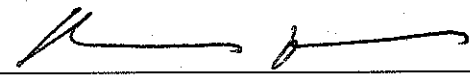
21. Based on the facts and information detailed in the affidavit, I believe probable cause exists that JOSEPH BUDDENBERG, MARYAM KHAJAVI, NATHAN POPE, ADRIANA STUMPO conspired to use force, violence, or threats to interfere with the operations of the University of California, an animal enterprise, in violation of 18 U.S.C. § 43, and that they engaged in a course of conduct that interfered and attempted to interfere with the operations of the animal enterprise. As such, I respectfully request a warrant for each of their arrests.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: February 19, 2009

  
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Lisa Shaffer  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED AND SWORN BEFORE ME  
ON February 19<sup>th</sup>, 2009

  
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NAWDOR VADAT  
United States Magistrate Judge  
Northern District of California